

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71227

Weyman D. Swagger  
Margaret F. Swagger

4411 Spring Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 9, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310-312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428, failure to cease the outside storage of all unlicensed/inoperable motor vehicles, failure to remove all trash, junk and debris on residential property zoned DR 2 known as 4411 Spring Avenue, 21227.

On January 13, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Charles Krick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: Mr. Weyman Swagger, Respondent and Cheryl Bruce, Agent for the Respondent and, Ron Turner, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 19, 2009 for removal of untagged/inoperative motor vehicles, remove trash and debris from property. This Citation was issued on January 13, 2010.

B. Inspector Ron Turner testified that his inspections found untagged vehicles and some junk, trash and debris at this property. Re-inspection on January 13, 2010 found that some items had been moved but not all violations were corrected. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Ms. Cheryl Bruce appeared at this Hearing as the agent for Respondent Weyman Swagger. She testified that Respondent has lung cancer and had a stroke in January, and that she has taken over management of his affairs. She further testified that the vehicles were removed on January 21, 2010, and the junk and debris has nearly been cleaned up, and that the rest will be cleaned up promptly.

D. Because compliance is the goal of code enforcement, and the violations have substantially been corrected prior to this Hearing, the civil penalty will be rescinded if re-inspection finds the violations corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection finds the violations corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16<sup>th</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.